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*Attorneys for U.S. Bank National Association, U.S. Bank
Home Mortgage and Mortgage Electronic Registration
Systems, Inc., erroneously sued as MERS*

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

GODSON ERUCHALU,

Appellant,

vs.

US BANK NATIONAL ASSOCIATION AS
TRUSTEE OF GINNIE MAE GUARANTEE
REMIC PASS-THROUGH SECURITIES AND
MX SECURITIES; GINNIE MAY REMIC
TRUST 2010-134; US BANK HOME
MORTGAGE; BANK OF AMERICA; FIRST
OPTION MORTGAGE; NATIONAL
DEFAULT SERVICING CORP., MERS; and
DOES 1-100 inclusive,

Appellees.

CASE NO. 2:15-CV-00946-JCM

Appealed from
CASE NO. 2:14-BK-11381-ABL
ADV. NO. 2:14-AP-01117-ABL

**APPELLEES' UNOPPOSED MOTION
TO EXTEND TIME TO FILE
ANSWERING BRIEF**

(First Request)

Pursuant to FRCP 6(b) and LR 6-1, Appellees/Defendants U.S. BANK NATIONAL ASSOCIATION, U.S. BANK HOME MORTGAGE and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. (erroneously named as MERS) (collectively “Appellees”), by and through their counsel of record HOLLAND & HART LLP, hereby move the Court for a two (2) week extension to file their Answering Brief. This request is timely as the current deadline is August 20, 2015, and request is made to extend the time to file through September 3, 2015. Appellant has stated by email that he “has no objection” to Appellees request for extension of time (*see* Exhibit 1 hereto).

///

1 DATED this 19th day of August, 2015.

2 HOLLAND & HART LLP

3 /s/ Ryan A. Loosvelt

4 Ryan A. Loosvelt, Esq. (8550)

5 Patrick J. Reilly (6103)

6 9555 Hillwood Drive, 2nd Floor

7 Las Vegas, Nevada 89134

8 *Attorneys for Appellees/Defendants Mortgage*
Electronic Registration Systems, Inc., U.S. Bank
National Association, U.S. Bank Home Mortgage

9 **MEMORANDUM OF POINTS AND AUTHORITIES**

10 The current deadline for the Appellees to file their Answering Brief is August 20, 2015.
 11 The Appellant initially filed a request for a 20-day extension to file his Opening Brief on July
 12 15, 2015 [Dkt. #20]. Appellees did not oppose the request. The Court granted Appellant's
 13 motion to extend time to file his answering brief on July 16, 2015 [Dkt. #21]. On August 6,
 2015, Appellant filed his Opening Brief [Dkt. #22].

14 Appellees' counsel had a pre-planned vacation that in part coincided with the time to file
 15 the Answering Brief after the extension granted to Appellant. (Loosvelt Declaration).
 16 Appellees' counsel has also been consumed on other time-sensitive and emergency matters,
 17 including several depositions and motions in other state, federal, and AAA arbitration
 18 proceedings. (*Id.*). Appellees reached out to Appellant and notified him of the Appellees intent
 19 to seek additional time to submit an Answering Brief, and Appellant sent an email stating "has
 20 no objection" to Appellees request for extension of time. (*See* Exhibit 1 hereto).

21 This is Appellees' first request for an extension, and request is made before the deadline
 22 to file the Answering Brief has passed. A court may extend the deadline for good cause where
 23 the request is made before the extension expires. Fed. R. Civ. P. 6(b)(1)(A). Appellees' request
 24 for an extension is also unopposed. The declination of a party to oppose a motion constitutes
 25 consent to the granting of the motion pursuant to LR 7-2(d). Consequently, for good cause,
 26 Appellees request this Court grant their unopposed Motion for Extension of Time to File
 27 Answering Brief through September 3, 2015.

28 ///

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DATED this 19th day of August, 2015.

HOLLAND & HART LLP

/s/ Ryan A. Loosvelt

Ryan A. Loosvelt, Esq. (8550)

Patrick J. Reilly (6103)

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Las Vegas, Nevada 89134

*Attorneys for Appellees/Defendants Mortgage
Electronic Registration Systems, Inc., U.S. Bank
National Association, U.S. Bank Home Mortgage*

DECLARATION OF RYAN LOOSVELT

I, RYAN LOOSVELT ESQ., hereby declare as follows:

1. I am an attorney in the law firm Holland and Hart LLP, attorneys of record for Appellees/Defendants U.S. BANK NATIONAL ASSOCIATION, U.S. BANK HOME MORTGAGE, and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., erroneously named as MERS (hereinafter "MERS") (U.S. Bank and MERS collectively as "Appellees"). I am over the age of eighteen years old, I have personal knowledge of the facts and circumstances set forth in this Declaration, and could and would competently testify thereto in a court of law.

2. Attached as **Exhibit 1** to Appellees' Motion for Extension is a true and correct copy of the August 19, 2015 email string between myself and Appellant wherein Appellant states he has no objection to Appellees request for a two week extension.

3. Among other things, I had a pre-planned vacation that coincided the time to brief and file the Answering Brief after the extension granted to Appellant. I have also been consumed on other time-sensitive and emergency matters, including several depositions and motions in other state, federal, and AAA arbitration proceedings.

I declare that the foregoing is true and correct under the penalty of perjury under the laws of the United States of America.

DATED: August 19th, 2015.

/s/ Ryan Loosvelt


Ryan A. Loosvelt

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IT IS SO ORDERED:


UNITED STATES DISTRICT JUDGE

Dated: August 20, 2015

EXHIBIT 1

EXHIBIT 1

Ryan A. Loosvelt

From: Godson Eruchalu <sirgodson@yahoo.com>
Sent: Wednesday, August 19, 2015 1:49 PM
To: Ryan A. Loosvelt; aaftek@cox.net
Cc: Yalonda J. Dekle
Subject: Re: Eruchalu v. U.S. Bank et al. - request for extension

Hello Mr Loosvelt:

I am in receipt of your email, with intent to approach the Honorable court, for two-week extension of time to file your Answering Brief.

I have no objection to your request for extension of time, and you may proceed accordingly with your motion to the Honorable court.

Sincerely,

Godson Eruchalu

On Wednesday, August 19, 2015 1:01 PM, Ryan A. Loosvelt <RALoosvelt@hollandhart.com> wrote:

Mr. Eruchalu, as you know we did not oppose your two extension motions to file your Opening Briefs in your two current appeals. Please let us know whether you agree to a 2 week extension for U.S. Bank to file its Answering Brief in the first appeal. The extension you received caused briefing to occur while I was on a pre-planned vacation as well as consumed on other time-sensitive matters. We will likely be submitting the motion tomorrow. Thank you.

Regards,

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CONFIDENTIALITY NOTICE: This message is confidential and may be privileged. If you believe that this email has been sent to you in error, please reply to the sender that you received the message in error; then please delete this e-mail. Thank you.